REMARKS

Applicants respectfully request the entry of this Amendment.

Applicants amended their claims in order to streamline prosecution without prejudice. The amended claims find support in the original application, including the original claims. For instance, amended claim 3 finds basis in original claims 1, 4 and 7 and now includes a period (“.”). Attention is also invited to the specification at page 16, last paragraph. Similarly, amended claims 5 and 6 find basis in the original claims, including original claims 4 and 7.

Applicants canceled claims 1, 2, 4 and 7 without prejudice.

The Examiner stated Claim 3 is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, since a period should be inserted at the end of Claim 3. Inserting a period obviates this formality rejection without any estoppel.

Applicants respectfully traverse the rejection of claims 1-6 over the Kalish et al. reference.

It appears the Examiner asserts that Claims 1-6 are clearly anticipated by Kalish et al. In particular, the Examiner argues that the compound of the claims is disclosed in the Kalish et al. reference.

Applicants courteously submit their amendments that direct the claims to a method for treating SARS using an anti-SARS-associated coronavirus agent are novel and would not have been obvious to a person of ordinary skill in the art

The Kalish et al. reference simply discloses that the claimed compound can be used for treating HIV infection and AIDS. Given this disclosure in the Kalish et al. reference, the method for treating SARS as cited in the currently amended claims is clearly different from

the purpose or 'use' taught in Kalish et al. Consequently, in view of the above, the claimed inventions as defined in the currently amended Claims 3, 5 and 6 are novel over Kalish et al.

Applicants additionally solicit reconsideration and withdrawal of the 35 U.S.C. 103 rejection over the Kalish et al. reference when combined with the Cinatl et al. reference.

Relying on Kalish et al. in view of Cinatl et al., the Examiner asserts that the instant invention is obvious.

As indicated by the Examiner, and for the sake of argument, the difference between the compound disclosed by Kalish et al. and the instantly claimed compounds is the intended use.

Regarding this difference, the Examiner alleges that Cinatl et al. teach a class of antivirus compounds that are useful in inhibiting replication of the SARS virus. As such, the Examiner offers the hypothesis that it would have been obvious to one of ordinary skill in the art to replace one antiviral compound for another in view of the expectation of similar pharmaceutical activity.

However, an agent that is effective against a certain virus is not always effective against the SARS virus, as "various anti-HIV agents such as T20 have exhibited barely any efficacy against the SARS virus" as described on page 2, lines 6 and 7, in the specification of the present invention.

There is not an expectation of success.

Indeed, it is not easy even for a person skilled in the art to search for an agent that is effective as a SARS treatment agent from other agent for treating different viruses.

Further, contrary to the statement of Cinatl et al., and by way of effective rebuttal, Applicants invite attention to their specification that reports "the finding that glycyrrhizin is effective against the SARS virus has been announced (*THE LANCET*, 361, pp.2045-46,

2003), but it exhibits extremely limited potency" on page 2, lines 8 to 11, in the specification of the present application.

On the other hand, the rebuttal evidence includes Example 1 of the present invention to show that nelfinavir, a claimed compound after amendment, exhibits much higher anti-SARS virus potency along with much lower cytotoxicity than glycyrrhizin. That would not have been foreseeable from the cited prior art.

Accordingly, nelfinavir has much higher potency as an anti-SARS agent than the glycyrrhizin disclosed in Cinatl et al., and such a fact would not have been, and cannot be, readily predicted even by a person skilled in the art.

Thus, in view of the above, Applicants respectfully submit that their instant claimed inventions would have been unobvious over the cited Kalish et al. in view of Cinatl et al.

Favorable reconsideration of this Application and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

Fitch, Even, Tabin & Flannery

Date: **July 3, 2008**

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